

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SERGIO TORRES,

Petitioner,

File no: 2:04-CV-238

v.

HON. ROBERT HOLMES BELL

GERALD HOFBAUER,

Respondent.

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**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

IT IS HEREBY ORDERED that Petitioner's claims are **DISMISSED** for failure to exhaust state court remedies.

IT IS FURTHER ORDERED, in the alternative, that Petitioner's claims are **DENIED** for lack of merit.

Dated: November 6, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE